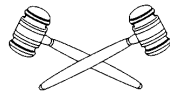


---

# ***HOUSE PRACTICE***

**A Guide to the Rules,  
Precedents and  
Procedures of the House**

**Wm. Holmes Brown  
Parliamentarian of the House  
1974-1994**



**U.S. GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1996**

---

For sale by the U.S. Government Printing Office  
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402  
ISBN 0-16-053786-X



**PERIODIC PREPARATION BY HOUSE PARLIAMENTARIAN  
OF CONDENSED AND SIMPLIFIED VERSIONS  
OF HOUSE PRECEDENTS**

SEC. 332. The Parliamentarian of the House of Representatives shall prepare, compile, and maintain on a current basis and in cumulative form, for each Congress commencing with the Ninety-third Congress a condensed and, insofar as practicable, up-to-date version of all of the parliamentary precedents of the House of Representatives which have current use and application in the House, together with informative text prepared by the Parliamentarian and other useful related material in summary form. The Parliamentarian shall have such matter printed for each Congress on pages of such size and in such type and format as he considers advisable to promote the usefulness of such matter to the Members of the House and shall provide a printed copy thereof to each Member in each Congress, including the Resident Commissioner from Puerto Rico and may make such other distribution of such printed copies as he considers advisable. In carrying out this section, the Parliamentarian may appoint and fix the pay of personnel and utilize the services of personnel of the Library of Congress and the Government Printing Office.

Public Law 510—91st Congress



## Foreword

This new addition to the parliamentary library of the House was initiated by William Holmes Brown during the last years of his 20-year tenure as Parliamentarian. Its publication target was to coincide with his retirement in 1994, but because of the many changes in the rules adopted in the 104th Congress, the text was modified and enlarged to accommodate these revisions. As a result of this decision, the publication has been delayed but the volume is current.

This work will require revision when rules are again amended and as necessary to incorporate new interpretive rulings by the Chair. However, most of the general principles explained in this text will continue to apply, even as new rules are adopted and the procedures of the House continue to evolve.

With the publication of this summary work, and with the updating in each Congress of the *House Rules and Manual*, current precedents are now accessible to Members and staff of the Congress.

The Office is also beginning to work on an electronic data base of decisions of the Chair, to be updated periodically, which will be an additional source for parliamentary research.

Charles W. Johnson III  
Parliamentarian  
1994-



## Preface

The procedures used in the House of Representatives, while rooted in the Constitution, Jefferson's Manual and in many time-honored House rules, have been greatly modified in the last quarter century. Voting practices have changed; debate has become more structured; reliance on special orders of business has replaced the use of more traditional methods of considering legislation on the floor.

In this volume attempt has been made to integrate the long-established norms of House procedure with the innovations made possible by technological advances and by reforms and disciplines introduced by such laws as the Legislative Reorganization Act of 1970, by the Congressional Budget Act of 1974, and by changes in the House rules adopted at the beginning of recent Congresses. This volume reflects the modern practice of the House as of the 104th Congress.

The rules, procedures, and precedents of the House are sometimes seen as arcane and unnecessarily technical. Yet they are a distillation of the collective wisdom and experience of legislators—some traditionalists, some reformers—who have enacted the laws which have sustained our Nation for over two centuries. In some mysterious way the system works. The authority and privileges vested in the majority have allowed the business of the House to proceed. Wisely, the various changes in the rules have retained that fragile but essential balance between the rights of the majority and the minority. The legislative process is not always neat and tidy; it is often inefficient and frequently frustrating. But in the mix of rules and precedents, there are parliamentary tools which make legislative victories possible. The importance of understanding these tools and learning how to use them justifies the publication of this work.

The scope of this work is limited: it is a summary review of selected precedents and not an exhaustive survey of all applicable rulings. The *House Rules and Manual* and the published volumes of House precedents remain the primary sources for in-depth analysis and for authoritative citations. This book has been conceived as a concordance or quick reference guide to those works. Hopefully, the alphabetical format and the synopses of precedents and citations on a given point of procedure will lead the reader to the primary authority for a definitive answer to a particular question.

An earlier work on the precedents is *Cannon's Procedure in the House of Representatives*, a summary by Clarence Cannon first published in 1949. A later summary was prepared by Lewis Deschler, Parliamentarian of the

## PREFACE

House from 1928 to 1974: *Deschler's Procedure in the U.S. House of Representatives* (1974) which was revised and updated in 1977, 1979, 1982, 1985, and 1987 (Deschler-Brown). Comprehensive coverage and analysis is found in *Hinds' Precedents* (1907), *Cannon's Precedents* (1936), *Deschler's Precedents* (1977), and *Deschler-Brown Precedents* (1988).

The concept and format of this volume evolved after many discussions with Roy Miller of the Precedents Editing Office within the Office of the Parliamentarian. Roy also helped compile and edit much of the material. Deborah Khalili must be commended for unlocking the computer mysteries which permitted office keyboarding and a successful interface with the Government Printing Office. The Parliamentarian of the House, Charles W. Johnson III, and his Deputies Thomas Duncan and John Sullivan, and Assistants Muftiah McCartin and Thomas Wickham, committed a great deal of after-hours time to read and comment on the text. All of us hope that these combined efforts will provide Members a new perspective on and further understanding of the rules which provide the framework for their legislative efforts.

References to frequently cited works are to the *House Rules and Manual* for the 104th Congress, by section (e.g., *Manual* § 601); to the volume and section of Hinds or Cannon (e.g., 6 Cannon's Precedents § 200); to the chapter and section of Deschler or Deschler-Brown (e.g., Deschler Ch 12 § 16); to the *Congressional Record*, by Congress, session, date and page (e.g., 100-2, Sept. 30, 1988, p 27329), and to the United States Code, by title and section (e.g., 43 USC § 1649).

Wm. Holmes Brown  
Parliamentarian  
1974-1994



## Chapter Outline

Adjournment (p. 1)  
Amendments (p. 13)  
Appeals (p. 63)  
Appropriations (p. 67)  
Assembly of Congress (p. 153)  
Bills and Resolutions (p. 161)  
Budget Process (p. 173)  
Calendar Wednesday (p. 197)  
Calendars (p. 207)  
Chamber, Rooms, and Galleries (p. 211)  
Committees (p. 217)  
Committees of the Whole (p. 275)  
Conferences Between the Houses (p. 307)  
Congressional Disapproval Actions (p. 343)  
Congressional Record (p. 345)  
Consideration and Debate (p. 353)  
Contempt Power (p. 425)  
Delegates and Resident Commissioners (p. 431)  
Discharging Measures From Committees (p. 433)  
District of Columbia Business (p. 443)  
Division of the Question for Voting (p. 449)  
Election Contests and Disputes (p. 459)  
Election of Members (p. 465)  
Electoral Counts—Selection of President and Vice President (p. 469)  
Germaneness of Amendments (p. 473)  
Impeachment (p. 531)  
Introduction and Reference of Bills (p. 547)  
Journal (p. 555)  
Lay on the Table (p. 563)  
Messages Between the Houses (p. 569)  
Misconduct; Sanctions (p. 573)  
Morning Hour (p. 601)  
Motions (p. 605)  
Oaths (p. 609)  
Officers (p. 615)  
Order of Business (p. 625)  
Points of Order; Parliamentary Inquiries (p. 633)

## Chapter Outline—Continued

Postponement (p. 647)  
Previous Question (p. 653)  
Private Calendar (p. 671)  
Question of Consideration (p. 677)  
Questions of Privilege (p. 683)  
Quorums (p. 707)  
Reading, Passage, and Enactment (p. 731)  
Recess (p. 745)  
Recognition (p. 749)  
Reconsideration (p. 769)  
Refer and Recommit (p. 783)  
Resolutions of Inquiry (p. 799)  
Rules and Precedents of the House (p. 807)  
Senate Bills; Amendments Between the Houses (p. 813)  
Special Rules (p. 841)  
Suspension of Rules (p. 851)  
Unanimous-consent Agreements (p. 861)  
Unfinished Business (p. 869)  
Veto of Bills (p. 873)  
Voting (p. 881)  
Index (p. 909)